

JOSIAH ATKINS.

[To accompany Bill H. R. No. 365.]

MARCH 19, 1860.

Mr. C. C. WASHBURN, from the Committee on Private Land Claims,
made the following

REPORT.

*The Committee on Private Land Claims, to whom was referred the
petition of Josiah Atkins, report:*

That there was issued from the Pension office to the said Atkins, under the act of 1855, bounty land warrant No. 54893, for 160 acres. That said warrant was transmitted by said Atkins to the Commissioner of the General Land Office, to be located upon land in the Council Bluffs land district, in the State of Iowa. That on the 19th day of August the said warrant was transmitted to the register and receiver at Council Bluffs, by Hon. Thomas A. Hendricks, then Commissioner of the General Land Office, with instructions in regard to the location of the same; but that the same has been lost through the mail, or through the carelessness or neglect of the officers connected with the General Land Office.

The petitioner prays for an act of Congress to relieve him. In view of the facts stated in said petition, which is made a part of this report, your committee think it but right that the prayer of said petitioner should be granted; and to that end herewith report a bill, and ask that it may be passed by Congress.

*To the most honorable the Senate and House of Representatives of the
United States in Congress assembled:*

The petition of the undersigned humbly sheweth, that on the 7th day of May, in the year A. D. 1858, he was the owner in his own right, and had in his possession, the bounty land warrant described in a letter of which the following is a true copy:

GENERAL LAND OFFICE, June 19, 1858.

SIR: I am in the receipt of your letter of the 7th ultimo, enclosing bounty land warrant No. 54893, for 160 acres, issued under act of March 3, 1855, to Josiah Atkins, and requesting that it may be located upon good farming land, in the Council Bluffs district, Iowa,

in the name of the warrantee. In reply, I have to state that your request cannot be complied with until you shall have forwarded to this office \$4 in gold, that being the amount of fees to which the register and receiver are by law entitled for making such location. The warrant will be retained in this office until I am further advised by you on the subject.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Acting Commissioner.

JOSIAH ATKINS, *Lenox, Ohio.*

A copy of a communication from the Acting Commissioner of the General Land Office, received subsequently to the above, is as follows:

GENERAL LAND OFFICE, *August 19, 1858.*

SIR: I am in the receipt of your letter of June 30, enclosing \$4 in gold as the fees for locating bounty land warrant No. 54893, for 160 acres, act 1855.

In reply, I have to state that the warrant and money above referred to have been this day forwarded to the register and receiver of the land office at Council Bluffs, Iowa, with instructions to select for the warrant a location upon good *farming land*, if there be any such vacant land subject to location, and to forward the duplicate certificate of location to your address.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Acting Commissioner.

JOSIAH ATKINS, *Lenox, Ohio.*

On the 1st of November succeeding a letter was addressed to a friend resident at Tabor, Frémont county, in Council Bluffs land district, Iowa, requesting that inquiry should be made at the land office at Council Bluffs, of the proper officers, about the bounty land warrant No. 54893, for 160 acres, act 1855.

The following extract from the letter of reply will, it is believed, show the course taken by the said friend in the matter of the solicited inquiry:

TABOR, FRÉMONT COUNTY, IOWA, *December 1, 1858.*

DEAR SIR: Yours of the 1st ultimo was received on the 19th, and I have delayed answering until I might find something tangible to write relative to your business. As I reside thirty-two miles from Council Bluffs, and have no business that often calls me there, I placed your request in the hands of Mr. E. J. Fraser, who resides at the Bluffs, and incidentally called here last week. Mr. Fraser has been engaged in the land business, is competent and trustworthy, as I fully believe, a member of the Congregational church, and personally acquainted with the register and receiver in the land office. I requested him to attend to your matters, and write you on the subject.

JOHN TODD.

Mr. JOSIAH ATKINS.

Mr. Fraser had the goodness to make the desired inquiry and to write me as follows :

COUNCIL BLUFFS, IOWA, *December 15, 1858.*

DEAR SIR: A few days ago Rev. John Todd, of Tabor, handed me a letter stating that you had sent a 160-acre land warrant, No. 54893, act of 1855, to General Land Office for location, and they had sent it to this office. The register of this office says, "I can find no trace of the warrant or letter described within; if forwarded to this office it must have been lost." By this it would seem that said warrant never reached this office.

Yours, truly,

EDWIN J. FRASER.

JOSIAH ATKINS, Esq., *Lenox, Ohio.*

On the 27th of December, A. D. 1858, application for assistance in this business was made to Hon. Edward Wade, member of Congress from Cleveland, Cuyahoga county, Ohio, by letter addressed to him at Washington, D. C. The following is an extract from his reply :

WASHINGTON, *December 30, 1858.*

MY OLD FRIEND: Your letter of the 27th instant was received last night, and I now write to acknowledge the fact, and to say that I will do for you in respect to your land warrant the utmost in my power. I shall take your letter to the Commissioner of the Land Office to-day and see what they have to say in the matter, and will follow it up as fast as possible.

E. WADE.

LENOX, OHIO, *February 9, 1860.*

Since the occurrence of the foregoing incidents, up to the present time, no additional knowledge has been obtained, or information received, of or concerning the said missing bounty land warrant, and the petitioner humbly requests that your honorable body will take such action thereon as shall in due time beneficently restore to him an effective interest in the said warrant, from the loss of which he is now sustaining suffering and damage most obviously untoward and disheartening.

And your petitioner, as in duty bound, will ever pray, &c.

JOSIAH ATKINS.

STATE OF OHIO, *Ashtabula County, ss :*

Josiah Atkins, being first duly sworn, says that all the statements contained in the foregoing petition are true, as he verily believes.

JOSIAH ATKINS.

Subscribed by the said Josiah Atkins in my presence, and by him sworn to before me this 8th day of February, A. D. 1860.

In testimony whereof, I hereunto set my hand and affix the seal of [L. s.] said court, at Jefferson, this 8th day of February, A. D. 1860.

J. D. ENSIGN, *Clerk.*

WASHINGTON, *February* 14, 1860.

I, Edward Wade, of Cleveland, Ohio, state that I took the letter of Mr. Atkins to the Commissioner of the General Land Office, (Colonel Hendricks,) and requested him to investigate the matter, receiving his promise to do so. That afterwards I had a private interview with him in his office, and was informed by him that the warrant had been lost through the mistake or negligence of some of the officers of the General Land Office, and that it could not be found. To which I am willing to testify under oath, if required.

EDWARD WADE.